

COMMERCE & HUMAN RESOURCES COMMITTEE
ADMINISTRATIVE RULES REVIEW

Table of Contents

2008 Legislative Session

IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE

28.03.04 - Rules of the Business and Jobs Development Grant Fund

Docket No. *28-0304-0701*2

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

*59.01.03 - Contribution Rules for the Public Employee Retirement
System of Idaho (PERSI)*

Docket No. *59-0103-0801*4

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

*59.01.06 - Retirement Rules for the Public Employee Retirement
System of Idaho (PERSI)*

Docket No. *59-0106-0701*9

COMMERCE & HUMAN RESOURCES COMMITTEE

IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE

28.03.04 - RULES OF THE BUSINESS AND JOBS DEVELOPMENT GRANT FUND

DOCKET NO. 28-0304-0701

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2007.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Sections 67-4715, 67-4717 and 67-4718, Idaho Code

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this rulemaking is to change grant awards from \$200,000 to \$250,000 dollars.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) and 67-4702, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These rule changes confer a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

No fee or charge is imposed as a result of this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no negative fiscal impact to the general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes proposed do not substantially change the existing rules, but remove outdated and inconsistent content.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary rule, contact Pat Madarieta, 208 334-2650.

DATED this 30th day of August, 2007.

COMMERCE & HUMAN RESOURCES COMMITTEE

DEPARTMENT OF COMMERCE
Business and Jobs Development Grant Fund

Docket No. 28-0304-0701
TEMPORARY RULE

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208 334-2650 ext.2144
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE

015. AWARD AMOUNTS.

The amount of each grant shall be determined by the Director, in his sole discretion, but no grant shall exceed two hundred fifty thousand dollars \$2050,000. ~~(3-30-07)~~(9-1-07)T

COMMERCE & HUMAN RESOURCES COMMITTEE

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.03 - CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0103-0801

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is February 1, 2008.

AUTHORITY: In compliance with Sections 67-5222(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 16, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodations must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Section 59-1322(1), Idaho Code, requires the Retirement Board to establish contribution rates within certain constraints. The Board has reviewed and determined, based on actuarial valuation of reserves and liabilities, the contributions necessary to fund the level of benefits authorized by the plan. In 2003, the Board adopted proposed rules that provided for a series of three annual contribution rate increases beginning July 1, 2004, through July 1, 2006. The first of those increases went into effect, but favorable market conditions significantly improved the funding status of the plan and in 2005 the board postponed, through temporary rules, the two subsequent increases for one year, until July 1, 2006, and July 1 2007, respectively. In 2006 the Board again postponed the increases, through temporary rules, until July 1, 2007, and July 1, 2008, respectively. In 2007 the Board postponed the increases a third time through temporary rules until July 1, 2008, and July 1, 2009, respectively. Due to continued favorable market conditions and based on actuarial data, the Board has now determined that the two additional increases scheduled for July 1, 2008 and July 1, 2009, are no longer needed to adequately fund the plan. The Board will continue to monitor funding and market conditions and will take subsequent action regarding contribution rates if appropriate. The current contribution rates will continue as reflected in these rules, effective February 1, 2008. Temporary rules published in docket number 59-0103-0701 are being rescinded effective February 1, 2008, by a separate notice in this volume of the Idaho Administrative Bulletin. These rules continue the current rates until further modified by the board.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

COMMERCE & HUMAN RESOURCES COMMITTEE

PERSI
Contribution Rules for PERSI

Docket No. 59-0103-0801
TEMPORARY RULE

This rule change will confer a benefit on PERSI employees and employers.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no negative fiscal impact to the general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Retirement Board has exclusive fiduciary responsibility for plan operations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Alan H. Winkle, Executive Director of PERSI, 334-3365.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 23, 2008.

DATED this 13th day of November, 2007.

Alan H. Winkle
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th, Boise, ID 83702
P.O. Box 83720
Boise, ID 83720-0078
Phone: 208-334-3365
FAX: 208-334-3804

THE FOLLOWING IS TEXT OF THE PENDING RULE

026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll ~~through June 30, 2005. Beginning July 1, 2005, the rate shall be eleven percent (11.00%) of payroll through June 30, 2006. Beginning July 1, 2006, the rate shall be eleven point sixty-one percent (11.61%) of payroll~~

COMMERCE & HUMAN RESOURCES COMMITTEE

PERSI Contribution Rules for PERSI

**Docket No. 59-0103-0801
TEMPORARY RULE**

until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(3-20-04)~~(2-1-08)T

027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

01. Option I And II Firefighters. For option I and II firefighters hired before October 1, 1980, as follows:

| Option I And II Firefighters | |
|-----------------------------------|---|
| PERSI Employer Contribution Rate: | Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2005. Beginning July 1, 2005, the rate shall be eleven point thirty-four percent (11.34%) of payroll through June 30, 2006. Beginning July 1, 2006, the rate shall be eleven point ninety-five percent (11.95%) of payroll until next determined by the Board. |
| Additional Employer Rate: | One percent (1.00%) |
| Social Security Rate: | Seven point sixty-five percent (7.65%) |
| Excess Merger Costs: | Seventeen point twenty-four percent (17.24%) until next determined by the Board. |
| TOTAL Contribution: | Thirty-six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty-six point sixty-two percent (36.62%) of payroll through June 30, 2005. Beginning July 1, 2005, the rate shall be thirty-seven point twenty-three percent (37.23%) of payroll through June 30, 2006. Beginning July 1, 2006, the rate shall be thirty-seven point eighty-four percent (37.84%) of payroll until next determined by the Board. |

~~(3-20-04)~~(2-1-08)T

02. Class D Firefighters. For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

| Class D Firefighters | |
|-----------------------------------|--|
| PERSI Employer Contribution Rate: | Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2005. Beginning July 1, 2005, the rate shall be eleven point thirty-four percent (11.34%) of payroll through June 30, 2006. Beginning July 1, 2006, the rate shall be eleven point ninety-five percent (11.95%) of payroll until next determined by the Board. |
| Excess Merger Costs: | Seventeen point twenty-four percent (17.24%) until next determined by the Board. |

COMMERCE & HUMAN RESOURCES COMMITTEE

PERSI Contribution Rules for PERSI

**Docket No. 59-0103-0801
TEMPORARY RULE**

| Class D Firefighters | |
|----------------------|--|
| TOTAL Contribution: | Twenty-seven point thirty-five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty-seven point ninety-seven percent (27.97%) of payroll through June 30, 2005. Beginning July 1, 2005, the rate shall be twenty-eight point fifty-eight percent (28.58%) of payroll through June 30, 2006. Beginning July 1, 2006, the rate shall be twenty-nine point nineteen percent (29.19%) of payroll until next determined by the Board. |

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(3-20-04)~~(2-1-08)T

03. Class E Members. For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll ~~through June 30, 2005. Beginning July 1, 2005, the rate shall be eleven point thirty four percent (11.34%) of payroll through June 30, 2006. Beginning July 1, 2006, the rate shall be eleven point ninety five percent (11.95%) of payroll~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(3-20-04)~~(2-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary ~~through June 30, 2005. Beginning July 1, 2005, the rate shall be six point sixty percent (6.60%) of salary through June 30, 2006. Beginning July 1, 2006, the rate shall be six point ninety-seven percent (6.97%) of salary~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04)

COMMERCE & HUMAN RESOURCES COMMITTEE

PERSI
Contribution Rules for PERSI

Docket No. 59-0103-0801
TEMPORARY RULE

~~(3-20-04)~~(2-1-08)T

101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary ~~through June 30, 2005. Beginning July 1, 2005, the rate shall be eight point zero nine percent (8.09%) of salary through June 30, 2006. Beginning July 1, 2006, the rate shall be eight point fifty three percent (8.53%) of salary~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04)

~~(3-20-04)~~(2-1-08)T

COMMERCE & HUMAN RESOURCES COMMITTEE

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.06 - RETIREMENT RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0106-0701

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 1, 2007.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking:

Under a final rule that became effective April 11, 2006, contribution rates for the public schools unused sick leave fund were to increase incrementally over a three (3) year period beginning July 1, 2006. The first increase took effect, but subsequent valuation by PERSI actuaries indicates that the additional increases scheduled to take effect on July 1, 2007, and July 1, 2008, are currently unnecessary to adequately fund the benefits provided by that fund. This rule will delay the remaining two contribution rate increases for the public schools unused sick leave fund until July 1, 2009, and July 1, 2010, respectively. The rule amends Retirement Rule 552.02 and temporarily keeps contribution rates at current levels.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change will confer a benefit on PERSI employees and employers.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rules, contact Alan H. Winkle, Executive Director of PERSI, 334-3365.

DATED this 28th day of March, 2007.

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COMMERCE & HUMAN RESOURCES COMMITTEE

PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO Docket No. 59-0106-0701
Retirement Rules for the Public Employee Retirement System of Idaho **TEMPORARY RULE**

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE

552. SICK LEAVE FUNDING RATES (RULE 552).

The sick leave pools shall be funded by employer contributions as follows: (3-30-01)

01. State Agencies and Junior College Districts. All employer groups participating in the pools established by Sections 33-2109A and 67-5339, Idaho Code, shall contribute point sixty-five percent (.65%) of employee covered payroll. (3-30-01)

02. Schools. All employer groups participating in the pool established by Section 33-1228, Idaho Code, shall contribute the percentage of employee covered payroll based on the number of days of paid sick leave permitted during the contract year for certified teachers as set forth in the following table:

| Beginning: | July 1, 2006 | July 1, 2007 9 | July 1, 2008 8 <u>10</u> |
|-------------------|--|---------------------------|-------------------------------------|
| 9-10 days | 1.16% | 1.18% | 1.21% |
| 11-14 days | 1.26% | 1.35% | 1.44% |
| More than 14 days | Individual rate to be set by the Retirement Board based on current cost and actuarial data and reviewed annually | | |

Where a four (4) day work week or similar policies have been adopted adjustments shall be made to convert the number of days of paid sick leave to the contribution level necessary to maintain equity within the pool. (Amended 3-30-01) (~~Amended 4-11-06~~)(4-1-07)T

03. Subdivisions. All employer groups participating in the pool established by Section 59-1365, Idaho Code, shall make contributions as provided in Rule 578. (3-30-01)